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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,648	12/26/2000	Terry W. Cogar		9848

25175 7590 09/24/2003

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EXAMINER

THOMPSON, HUGH B

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 09/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/747,648

Applicant(s)

COGAR ET AL.

Examiner

Hugh B. Thompson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 22 and 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 22, 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

The drawings are objected to because they contain extraneous written matter that should be removed and they fail to indicate any reference numerals for disclosed structure in the specification. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," "***The invention***," etc.

The disclosure is objected to because of the following informalities: the specification fails to include any reference numerals for disclosed structure, thus making it difficult for the Examiner to specifically identify components as claimed. Appropriate correction is required.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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2. Claims 1-12, 22, and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. With respect to claim 1, line 4, the phrase “also referred to as a deck support” is improper and should be avoided. The applicant should refer to the recited component using only one name.
4. With respect to claim 1, line 7, there is no antecedent basis for “the interior edge”, “the exterior edge”, or “such a vertical”. In line 15, it is unclear as to which C-fold the applicants’ have referred. Note that there is no antecedent basis for “said opposite C-fold”. Further, in line 19, there is no antecedent basis for “said support end”, and “accommodate” should read --matingly receive--. Further, the applicants have recited “a vertical structural member” on multiple occasions. It is not clear as to how many are required or if the applicants are positively reciting the use thereof. In line 25, “placed” should read --received--, and in line 27, “exterior to a” should read --of a user exterior to the--, and “a structure should read --the structure--.
5. Claims 3-7, 9-11 and 22, recite similar ambiguities and ***should be carefully reviewed*** in response to this Office Action. Further, claims 8 and 12, line 1, “A”, should read --The--.

Allowable Subject Matter

6. Claims 1-12, 22, and 23 are objected to, but would be allowable if ***properly rewritten*** to overcome the Section 112 ambiguities as noted above. The primary reason for the allowable subject matter is the inclusion of a support plate having C/L-fold at opposed ends, one end having a clamping mechanism, one side of the plate having at least one/two cylindrical protrusions perpendicular to the plate, a horizontal deck support bracket having apertures to

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materially receive the protrusions and secure them thereto, the bracket capable of receiving deck planks for support of a user thereon. See claims 1, 3-7, 9-11, and 22. The prior art of record fails to teach or suggest the claimed features absent the applicants' own disclosure.

Response to Amendment

The reply filed on June 30, 2003 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): there is no amendment to any of the claims nor any arguments in a remarks section. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

Conclusion

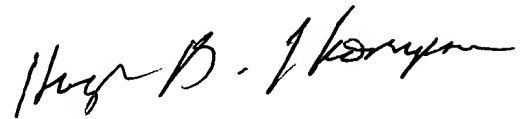
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ainsworth GB#2,100,115, Tsuruta JP#6,136,932A, Mallog #3,011,587, Neeley #3,120,878, Boyle, Jr. #3,660,871, Werner et al #3,844,520, Krings #4,472,090, Cutforth et al #4,781,348, Preston #5,156,235, Heath #6,098,942, Preusser et al #6,302,238, and #6,302,280 are cited to teach scaffold and bracket arrangements.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Hugh B. Thompson whose telephone number is (703) 305-0102. The examiner can normally be reached on Monday through Friday from 8:30 am to 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Stodola, can be reached on (703) 308-2686. The official fax phone number for this Group is (703) 305-3597, and the unofficial fax phone number (for drafts) is (703) 308-3686.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168.

A handwritten signature in black ink, appearing to read "Hugh B. Thompson". The signature is fluid and cursive, with the first name "Hugh" and last name "Thompson" clearly distinguishable.

Hugh B. Thompson
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September 22, 2003